

**TOWN OF DAVIE  
TOWN COUNCIL AGENDA REPORT**

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Le Nguyen, P.E., Acting Town Engineer 954-797-1113

**PREPARED BY:** Le Nguyen, P.E., Acting Town Engineer 954-797-1113

**SUBJECT:** Resolution

**AFFECTED DISTRICT:** 3

**ITEM REQUEST:** Schedule for Council Meeting

**TITLE OF AGENDA ITEM:** EASEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING AN INGRESS-EGRESS EASEMENT FROM 595 CORPORATE PARK OF COMMERCE CONDOMINIUM ASSOCIATION, INC., AND AUTHORIZING THE PROPER TOWN OFFICIALS TO EXECUTE THE INGRESS-EGRESS EASEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from July 29, 2009)

**REPORT IN BRIEF:** The approved site plan required 595 Corporate Park of Commerce to provide public access to Indian Ridge Middle School. It is in the best interest of the Town to accept the 50' ingress-egress from this development for the purpose of providing public traffic circulation. A copy of the ingress-Egress easement is attached to the accompanying Resolution and Town Council approval is necessary for the Town to accept the needed ingress-egress easement and to authorize the recordation of same in the Public Records of Broward County, Florida

**PREVIOUS ACTIONS:** Town Resolution 2003-300 approved the plat of Nob Hill Park of Commerce with a condition that 595 Corporate Park of Commerce Condominium Association, Inc would provide a 50' ingress-egress easement.

At the July 29, 2009 Council meeting, this item was tabled to August 19, 2009.

**CONCURRENCES:** Town Attorney reviewed and approved easement agreement on May 28, 2009.

**FISCAL IMPACT:** not applicable

Has request been budgeted? n/a

Additional Comments:

**RECOMMENDATION(S):** Motion to approve resolution

**Attachment(s):** Resolution, Ingress-Egress Easement, Sketch of Survey

RESOLUTION \_\_\_\_\_

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING AN INGRESS-EGRESS EASEMENT WITH 595 CORPORATE PARK OF COMMERCE CONDOMINIUM ASSOCIATION, INC., AND AUTHORIZING THE PROPER TOWN OFFICIALS TO EXECUTE THE INGRESS-EGRESS EASEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie deems it to be in the best interests of the Town to accept the Ingress-Egress Easement from 595 Corporate Park of Commerce Condominium Association, Inc; for public use.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The foregoing "Whereas" clause is hereby ratified and confirmed as being true and correct and is incorporated herein by this reference.

SECTION 2. In accepting the recommendation of Town staff, the Town Council of the Town of Davie, Florida, hereby accepts the Ingress-Egress Easement with 595 Corporate Park of Commerce Condominium Association, Inc. and authorized the proper Town officials to execute the Ingress-Egress Easement, a copy of which is attached.

SECTION 3. The Town Council hereby authorized the proper Town officials to record the documents in the Public Records of Broward County, Florida.

SECTION 4. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2009

\_\_\_\_\_

MAYOR/COUNCILMEMBER  
ATTEST:

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2009

**RECORD AND RETURN TO:**

Name: LEOPOLD KORN LEOPOLD & SNYDER, P.A.  
Address: 20801 Biscayne Blvd., Suite 501  
Aventura, FL 33180

**THIS INSTRUMENT PREPARED BY:**

Name: Hilary S. Feinstock, Esquire  
LEOPOLD KORN LEOPOLD & SNYDER, P.A.  
Address: 20801 Biscayne Blvd., Suite 501  
Aventura, FL 33180

Portion of Folio Nos. 10118-07-00200; 10118-07-00100;  
and 10118-07-00300

[Space above line reserved for recording office use]

**INGRESS-EGRESS EASEMENT**

**THIS INGRESS-EGRESS EASEMENT**, made and executed this 15 day of June, 2009, by **595 CORPORATE PARK OF COMMERCE CONDOMINIUM ASSOCIATION, INC., a Florida corporation not for profit**, whose post office address is 4651 Sheridan Street, Suite 335, Hollywood, FL 33021 (hereinafter referred to as the "Grantor") to **TOWN OF DAVIE, FLORIDA, a municipal corporation in Broward County, Florida** (hereinafter referred to as the "Grantee") whose mailing address is 6591 SW 45th Street, Davie, FL 33314. "Grantor" and "Grantee" are used for singular and/or plural, as the case requires.

The following recitals of fact are a material part of this instrument:

- A. The Grantor is the owner of the Easement Area as more particularly set forth below.
- B. Grantor has agreed to grant to Grantee an ingress and egress easement over the Easement Area.

Now therefore, in consideration of Ten (\$10.00) Dollars and other good and valuable considerations, the Grantor, by this document, grants to Grantee an easement over, under and across the following described property hereafter referred to as "the Easement Area":

SEE EXHIBIT "A" ATTACHED HERETO

1. Grant of Easement. The Grantor hereby grants in favor of Grantee the non-exclusive free right of ingress and egress over, upon, through and across the Easement Area for the provision of a private right of way.

2. Indemnification. Grantee shall indemnify and hold Grantor harmless from and against any and all claims, liabilities and expenses (including reasonable attorneys' fees) relating to accidents, injuries, loss, or damage of or to any person or property arising from the negligent, intentional or willful acts or omissions of such Grantee, its contractors, employees, agents, permittees or licensees or others acting on behalf of such Grantee.

IN WITNESS WHEREOF, the Grantor has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officers or representatives hereunto duly authorized as of the day and year first above written

Signed, sealed and delivered in the presence of:

**595 CORPORATE PARK OF  
COMMERCE CONDOMINIUM  
ASSOCIATION, INC.**

*Marcela Vargas*  
Print name: Marcela Vargas

By: *J. Brett Houston*  
J. Brett Houston, Vice President

*Charles Corbett*  
Print name: Charles Corbett

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 15 day of June, 2009, by J. Brett Houston, as Vice President of 595 CORPORATE PARK OF COMMERCE CONDOMINIUM ASSOCIATION, INC., a Florida corporation not for profit, who is personally known to me or produced \_\_\_\_\_ as identification.

My commission expires: 12/3/11

*Yury M. Vargas*  
Notary Public, State of Florida

Print Name: Yury M. Vargas



**JOINDER AND CONSENT OF MORTGAGEE**

City National Bank of Florida, a national banking corporation, being the holder of the following: Mortgage and Security Agreement recorded June 20, 2007, in Official Records Book 44216, at Page 6; UCC Financing Statement recorded in Official Records Book 44216, at Page 36; Amended and Restated Mortgage and Security Agreement recorded June 20, 2007, in Official Records Book 44215, at Page 1982; UCC Financing Statement recorded in Official Records Book 44216, at Page 1 of the Public Records of Broward County, Florida, hereby consents and subordinates its mortgage to the foregoing Easement.

WITNESSES:

Cindy M. Hartness

Print Name: Cindy M. Hartness

Danielle D. Davis

Print Name: Danielle D. Davis

City National Bank of Florida

By: [Signature]

Name: [Signature]

Title: [Signature]

STATE OF FLORIDA

COUNTY OF Broward

The foregoing instrument was acknowledged before me this 15 day of June, 2009, by Jerry Swette as Executive Pres. of City National Bank of Florida, a national banking corporation, who is personally known to me or produced \_\_\_\_\_ as identification.

My commission expires:

Cindy M. Hartness  
Notary Public, State of Florida

Print Name: \_\_\_\_\_



EXHIBIT "A"






DESCRIPTION

THAT PORTION OF PARCEL "A", ACCORDING TO THE PLAT OF "NOB HILL PARK OF COMMERCE", AS RECORDED IN PLAT BOOK 175 AT PAGES 35 THROUGH 37 INCLUSIVE OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 COMMENCING AT THE SOUTHEAST CORNER OF SAID PARCEL "A"; THENCE RUN NORTH 02°16'56" WEST (BASIS OF BEARINGS) 126.03 FEET ALONG THE EAST BOUNDARY OF SAID PARCEL "A" TO THE POINT OF BEGINNING, BEING ON THE ARC OF A CURVE TO THE LEFT, A RADIAL AT SAID POINT BEARING SOUTH 02°16'48" EAST; THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 90°00'09" RUN SOUTHWESTERLY 39.27 FEET TO A POINT OF TANGENCY; THENCE RUN SOUTH 02°16'56" EAST 7.57 FEET ALONG THE TANGENT EXTENDED TO A POINT OF CURVATURE OF A CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 75.00 FEET AND A CENTRAL ANGLE OF 90°49'44" RUN SOUTHWESTERLY 118.90 FEET TO A POINT OF TANGENCY; THENCE RUN SOUTH 88°32'47" WEST 427.39 FEET ALONG THE TANGENT EXTENDED TO A POINT OF CURVATURE OF A CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 65.00 FEET AND A CENTRAL ANGLE OF 89°10'16" RUN NORTHWESTERLY 101.6 FEET TO A POINT OF TANGENCY; THENCE RUN NORTH 02°16'56" WEST 489.96 FEET ALONG THE TANGENT EXTENDED; THENCE RUN NORTH 06°35'14" WEST 100.00 FEET; THENCE RUN NORTH 02°16'56" WEST 331.60 FEET TO A POINT OF CURVATURE OF A CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 75.00 FEET AND A CENTRAL ANGLE OF 36°55'49" RUN NORTHWESTERLY 48.34 FEET TO A POINT OF TANGENCY; THENCE RUN NORTH 39°12'45" WEST 50.00 FEET ALONG THE TANGENT EXTENDED, TO A POINT OF CURVATURE OF A CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 125.00 FEET AND A CENTRAL ANGLE OF 17°36'20" RUN NORTHWESTERLY 38.42 FEET TO AN INTERSECTION WITH THE SOUTH BOUNDARY OF THAT CERTAIN 50 FOOT ACCESS EASEMENT AS DESCRIBED IN THE INSTRUMENT FILED IN OFFICIAL RECORDS BOOK 29379 AT PAGE 26 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; THENCE RUN NORTH 88°32'34" EAST 41.47 FEET ALONG SAID SOUTH BOUNDARY, TO AN INTERSECTION WITH THE EAST BOUNDARY OF SAID 50 FOOT ACCESS EASEMENT; THENCE RUN NORTH 00°18'36" WEST 44.57 FEET ALONG SAID WEST BOUNDARY TO A POINT OF INTERSECTION WITH THE ARC OF A CURVE RUNNING SOUTHEASTERLY TO THE LEFT, A RADIAL AT SAID POINT BEARING NORTH 89°41'24" EAST; THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 75.00 FEET AND A CENTRAL ANGLE OF 38°54'09" RUN SOUTHEASTERLY 50.92 FEET TO A POINT OF TANGENCY; THENCE RUN SOUTH 39°12'45" EAST 50.00 FEET ALONG THE TANGENT EXTENDED TO A POINT OF CURVATURE OF A CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 125.00 FEET AND A CENTRAL ANGLE OF 36°55'49" RUN SOUTHEASTERLY 80.57 FEET TO A POINT OF TANGENCY; THENCE RUN SOUTH 02°16'56" EAST 329.72 FEET ALONG THE TANGENT EXTENDED; THENCE RUN SOUTH 06°35'14" EAST 100.00 FEET; THENCE RUN SOUTH 02°16'56" EAST 491.84 FEET TO A POINT OF CURVATURE OF A CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 15.00 FEET AND A CENTRAL ANGLE OF 89°10'16" RUN SOUTHEASTERLY 23.35 FEET TO A POINT OF TANGENCY; THENCE RUN NORTH 88°32'47" EAST 427.39 FEET ALONG THE TANGENT EXTENDED TO A POINT OF CURVATURE OF A CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 90°49'44" RUN NORTHEASTERLY 39.63 FEET TO A POINT OF TANGENCY; THENCE RUN NORTH 02°16'56" WEST 7.57 FEET ALONG THE TANGENT EXTENDED TO A POINT OF CURVATURE OF A CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 75.00 FEET AND A CENTRAL ANGLE OF 90°00'09" RUN NORTHEASTERLY 117.81 FEET TO AN INTERSECTION WITH SAID EAST BOUNDARY OF PARCEL "A"; THENCE RUN SOUTH 02°16'56" EAST 50.00 FEET ALONG SAID EAST BOUNDARY TO THE POINT OF BEGINNING.  
 SAID LANDS SITUATE IN THE TOWN OF DAVIE, BROWARD COUNTY, FLORIDA AND CONTAINING 85,813 SQUARE FEET OR 1.9700 ACRES MORE OR LESS..

REV. 5-21-09

595 CORPORATE PARK OF COMMERCE TOWN OF DAVIE, BROWARD COUNTY, FLORIDA	DESCRIPTION OF 50' ACCESS WAY			
 <b>WINNINGHAM &amp; FRADLEY, INC.</b> ENGINEERS • PLANNERS • SURVEYORS <small>111 N.E. 44th STREET, OAKLAND PARK, FL 33334 954-771-1140 FAX 954-771-0280</small>	<small>EB-0002995</small> <small>LB-0002995</small>	<small>DRAWN: CEG</small> <small>CHECKED:</small>	<small>DATE: 10-23-08</small> <small>DATE:</small>	<small>PROJECT NUMBER</small> <b>06003  <small>SHEET</small>  <b>2 OF 2</b> </b>

GA200606003-Nob Hill Park of Commerce EASMT ACCESS.dgn

6/8/2009, 4:56 PM